

REMARKS

Applicant submits herewith amendments to the specification to correct a typographical error in Applicant's specification amendments filed in Paper No. 10, dated February 17, 2004.

Claims 14, 23, 42, and 43 are amended. No new claims are added. Claims 1-49 are pending for consideration. In view of the following remarks, Applicant respectfully requests that this application be allowed and forwarded on to issuance.

The § 102 Rejections

Claims 14, 15, 17, 19-21, 23, 24, 27-29, 43-45, and 47-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by WIPO Patent Application No. 99/01969 to Xu et al. (hereinafter "Xu").

The § 103 Rejections

Claims 1-6, 8-13, 16, 22, 26, 33-42, and 46 stand rejected under § 103(a) as being unpatentable by Xu in view of U.S. Patent No. 6,243,754 to Guerin et al (hereinafter "Guerin").

Claim 7 stands rejected under § 103(a) as being unpatentable by Xu in view of Guerin and U.S. Patent No. 5,742,763 to Jones (hereinafter "Jones").

Claim 18 stands rejected under § 103(a) as being unpatentable by Xu in view of Jones.

1 Claim 25 stands rejected under § 103(a) as being unpatentable by Xu
2 in view of U.S. Patent No. 6,145,002 to Srinivasan (hereinafter
3 “Srinivasan”).

4 Claim 30 stands rejected under § 103(a) as being unpatentable by Xu
5 in view of WIPO Application No. 98/32254 to Scholnick et al (hereinafter
6 “Scholnick”).

7 Claims 31 and 32 stand rejected under § 103(a) as being
8 unpatentable by Xu in view of U.S. Patent No. 5,742,598 to Dunn et al
9 (hereinafter “Dunn”).

10 11 **Double Patenting Rejection**

12 Claims 1-49 stand provisionally rejected under the judicially-created
13 doctrine of obviousness-type double patenting as being unpatentable over
14 claims 1-43, 46, 48-58, and 78-87 of copending Application No.
15 09/565,558 in view of Xu, Guerin, Jones, Srinivasan, and Dunn. Applicant
16 respectfully requests the Office to hold this rejection in abeyance until
17 indication of allowable subject matter.

18 19 **Claims 1-13**

20 **Claim 1** recites an authentication system comprising [emphasis
21 added]:

- 22 • a host network configured to provide access to the Internet
from a public location;
- 23 • at least one authentication component communicatively
24 linked with the host network and configured to enable
25 authentication of individual users so that they can access the
Internet through the host network, authentication being
configured to take place in a manner that is *independent of*

1 *any user affiliation with any Internet Service Providers*
2 *(ISPs);*

- 3 • at least one access module communicatively linked with the
4 one authentication component and configured to enable a user
5 to access the host network; and
- 6 • an authentication database communicatively linked to the host
7 network and containing user information that can be used to
8 authenticate a user.

9 In making out the rejection of claim 1, the Office argues that the
10 subject matter of this claim is rendered obvious by the combination of Xu
11 and Guerin. Applicant respectfully but strongly disagrees.

12 The Office concedes that “Xu does not disclose that any user not
13 existing[sic] a preexisting affiliation may gain access.” In its “Response to
14 Arguments,” the Office further concedes that “it would be impossible for
15 the invention as disclosed by Xu to be used by a user who did not have a
16 pre-existing account with at least one ISP with which the invention is
17 communicatively connected.” Applicant agrees.

18 However, the Office argues that “the network selection system
19 disclosed by Guerin allows for a user to select an ISP without having any
20 pre-existing ISP affiliation, using a direct channel to another user providing
21 ISP information before selecting a provider.” In support of its argument, the
22 Office cites to column 5, lines 23-34, of Guerin, reproduced below
23 [emphasis added]:

24 Thus an aspect of the present invention is to provide a method
25 for an originating site to select a specific provider from a
 plurality of providers, for a set of application data for a called
 site. The method includes of the following steps:

 1. *An originating site establishes a control channel to a*
 called site. Using the control channel, the two sites

1 communicate setup parameters for the exchange of a set of
2 application data.

3 2. The originating site selects a specific provider to handle
4 this exchange of application data.

5 3. The originating site communicates the selection of the
6 specific provider to the called site using the control channel.

7 Applicant respectfully submits that establishing a control channel to
8 the called site requires connectivity to that called site. The Office refers to a
9 “direct channel” between the users at each site, but Applicant is unclear to
10 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101
11 and 103, may achieve connectivity through either provider network 105 or
12 provider network 107. There appears to Applicant to be no “direct channel”
13 between users at the two sites, 101 and 103. Rather, establishing the control
14 channel necessitates using one of the two provider networks, both with
15 which the user apparently has an affiliation. Guerin elaborates on this in
16 column 3, lines 14-29, reproduced below [emphasis added]:

17 In step 203, the router at the originating site establishes a
18 control channel to the router at the called site. After the
19 establishment of the control channel, the two sites may
20 exchange some control information *such as the list of valid
21 service providers at each site*, and any performance or cost
22 characteristics associated with the list of *valid* service
23 providers. In step 205, the originating site selects an
24 appropriate service provider from the different possible
25 choices. A variety of criteria such as cost, quality of service,
preestablished business contracts etc. may be used for
selecting the service provider. In step 207, the originating site
communicates its selection of the service provider to the
called site. Along with the choice of the provider, parameters
such as a specific address in the domain of the selected
provider, which would be used for *data* exchange, may be
communicated to the called site.

1 Applicant respectfully submits that Guerin's system is *not*
2 *independent* of *any* user affiliation with *any* ISPs. Rather, in order to
3 establish a control channel, Guerin's system appears to *require* use of an
4 ISP with which the user *is* affiliated. Then, in order to perform the data
5 exchange, Guerin's system appears to allow a choice from among a *list of*
6 *ISPs with which the user is affiliated*.

7 Therefore, Guerin teaches *directly away* from Applicant's claimed
8 subject matter by *requiring user affiliation* with an ISP. Accordingly, for
9 at least this reason, this claim is allowable.

10 **Claims 2-13** depend from claim 1 and, as such, are allowable as
11 depending from an allowable base claim. These claims are also allowable
12 for their own recited features which, in combination with those recited in
13 claim 1, are neither shown nor suggested the references of record, either
14 alone or in combination with one another. Moreover, with respect to **claim**
15 **7**, the addition of the Jones reference is not seen to add anything of
16 significance, given the allowability of claim 1.

17 **Claims 14-22**

18 As amended, **claim 14** recites an authentication system for providing
19 authentication for users who desire to access the Internet, the system
20 comprising [amended language appears in bold italics]:
21

- 22 • at least one host organization network configured to access
23 the Internet, the host organization network comprising one or
24 more subnets each of which comprising:
25

- at least one server configured to receive data packets from individual client computing devices and transmit the data packets to the Internet; and
- a plurality of public access points each of which configured to receive wireless communication from a user that is using a client computing device to wirelessly transmit data packets that are intended for the Internet and provide the wirelessly transmitted data packets to the one server before the data packets are transmitted to the Internet; and
- at least one globally accessible authentication database that contains information that can be used by the database to authenticate a user without requiring the user to be affiliated with *at least one* Internet Service Provider (ISP).

Applicant has amended this claim to clarify that authentication of a user does *not* require the user to be affiliated with *at least one ISP*. In making out the rejection of claim 14, the Office argues that Xu anticipates this claim. Applicant respectfully but strongly disagrees. As the Office concedes in its “Response to Arguments”, it would be *impossible* to use Xu’s system unless the user is affiliated with *at least one ISP*. Accordingly, for at least this reason, this claim is allowable.

Claims 15-22 depend from claim 14 and, as such, are allowable as depending from an allowable base claim. These claims are also allowable for their own recited features which, in combination with those recited in claim 14, are neither shown nor suggested by Xu, either singly or in combination with any of the references of record. Moreover, with respect to **claims 16, 18, and 22**, the addition of the Guerin and Jones references is not seen to add anything of significance, given the allowability of claim 14.

Claims 23-33

1 As amended, **claim 23** recites an authentication system for providing
2 authentication for users who desire to access the Internet, the system
3 comprising [amended language appears in bold italics]:

- 4 • multiple wireless nodes through which the Internet can be
5 accessed;
- 6 • multiple access points with which the wireless nodes can
7 communicate;
- 8 • a server configured to receive wireless communication from
9 the multiple access points, the server configured to enable
10 authentication of various users; and
- 11 • at least one global authentication database that contains user
information that can be used to authenticate the users without
requiring the user to be affiliated with *at least one* Internet
Service Provider (ISP).

12 Applicant has amended this claim to clarify that authentication of a
13 user does *not* require the user to be affiliated with *at least one ISP*. In
14 making out the rejection of claim 23, the Office argues that Xu anticipates
15 this claim. Applicant respectfully but strongly disagrees. As the Office
16 concedes in its “Response to Arguments”, it would be *impossible* to use
17 Xu’s system unless the user is affiliated with *at least one ISP*. Accordingly,
18 for at least this reason, this claim is allowable.

19 **Claims 24-33** depend from claim 23 and, as such, are allowable as
20 depending from an allowable base claim. These claims are also allowable
21 for their own recited features which, in combination with those recited in
22 claim 23, are neither shown nor suggested by the references of record,
23 either singly or in combination with one another. Moreover, with respect to
24 **claims 25, 26, and 30-33**, the addition of the Srinivasan, Guerin,
25

1 Scholnick, and Dunn references is not seen to add anything of significance,
2 given the allowability of claim 23.

3
4 **Claims 34-41**

5 **Claim 34** recites a method of authenticating a user for Internet
6 access, the method comprising [emphasis added]:

- 7
- 8 • establishing a communication link between a mobile
9 computing device and a server that is configured to provide
10 Internet access;
 - 11 • contacting a global authentication database that contains user
12 information that can be used to authenticate one or more
13 users;
 - 14 • authenticating a user using the information that is contained
15 in the global authentication database, *independent of any
16 user affiliation with any Internet Service Providers (ISPs)*;
 - 17 • notifying the server that the user has been authenticated; and
 - 18 • issuing a unique token to the user for use when sending data
19 packets to the server for transmission to the Internet.

20 In making out the rejection of claim 34, the Office argues that the
21 subject matter of this claim is rendered obvious by the combination of Xu
22 and Guerin. Applicant respectfully but strongly disagrees.

23 The Office concedes that “Xu does not disclose that any user not
24 existing[sic] a preexisting affiliation may gain access.” In its “Response to
25 Arguments,” the Office further concedes that “it would be impossible for
the invention as disclosed by Xu to be used by a user who did not have a
pre-existing account with at least one ISP with which the invention is
communicatively connected.” Applicant agrees.

1 However, the Office argues that “the network selection system
2 disclosed by Guerin allows for a user to select an ISP without having any
3 pre-existing ISP affiliation, using a direct channel to another user providing
4 ISP information before selecting a provider.” In support of its argument, the
5 Office cites to column 5, lines 23-34, of Guerin, reproduced above.

6 Applicant respectfully submits that establishing a control channel to
7 the called site requires connectivity to that called site. The Office refers to a
8 “direct channel” between the users at each site, but Applicant is unclear to
9 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101
10 and 103, may achieve connectivity through either provider network 105 or
11 provider network 107. There appears to Applicant to be no “direct channel”
12 between users at the two sites, 101 and 103. Rather, establishing the control
13 channel necessitates using one of the two provider networks, both with
14 which the user apparently has an affiliation. Guerin elaborates on this in
15 column 3, lines 14-29, also reproduced above.

16 Applicant respectfully submits that Guerin’s system is *not*
17 *independent* of *any* user affiliation with *any* ISPs. Rather, in order to
18 establish a control channel, Guerin’s system appears to *require* use of an
19 ISP with which the user *is* affiliated. Then, in order to perform the data
20 exchange, Guerin’s system appears to allow a choice from among a *list of*
21 *ISPs with which the user is affiliated.*

22 Therefore, Guerin teaches *directly away* from Applicant’s claimed
23 subject matter by *requiring user affiliation* with an ISP. Accordingly, for
24 at least this reason, this claim is allowable.
25

1 **Claims 35-41** depend from claim 34 and, as such, are allowable as
2 depending from an allowable base claim. These claims are also allowable
3 for their own recited features which, in combination with those recited in
4 claim 34, are neither shown nor suggested by the references of record,
5 either singly or in combination with one another.

6
7 **Claim 42**

8 As amended, **claim 42** recites one or more computer-readable media
9 having computer-readable instructions thereon which, when executed by
10 one or more computers, cause the computers to [amended language appears
11 in bold italics]:

- 12
- 13 • establish a wireless communication link between a mobile
14 computing device and a server that is configured to provide
15 Internet access;
 - 16 • contact a global authentication database that contains user
17 information that can be used to authenticate one or more
18 users;
 - 19 • authenticate a user using the information that is contained in
20 the global authentication database, independent of requiring
21 the user to be affiliated with *any* Internet Service Provider
22 (ISP);
 - 23 • notify the server that the user has been authenticated; and
 - 24 • issue a unique token to the user for use when sending data
25 packets to the server for transmission to the Internet.

21 Applicant has amended this claim to clarify that authenticating a
22 user is *independent* of requiring the user to be affiliated with *any ISP*. In
23 making out the rejection of claim 42, the Office argues that the subject
24
25

1 matter of this claim is rendered obvious by the combination of Xu and
2 Guerin. Applicant respectfully but strongly disagrees.

3 The Office concedes that “Xu does not disclose that any user not
4 existing[sic] a preexisting affiliation may gain access.” In its “Response to
5 Arguments,” the Office further concedes that “it would be impossible for
6 the invention as disclosed by Xu to be used by a user who did not have a
7 pre-existing account with at least one ISP with which the invention is
8 communicatively connected.” Applicant agrees.

9 However, the Office argues that “the network selection system
10 disclosed by Guerin allows for a user to select an ISP without having any
11 pre-existing ISP affiliation, using a direct channel to another user providing
12 ISP information before selecting a provider.” In support of its argument, the
13 Office cites to column 5, lines 23-34, of Guerin, reproduced above.

14 Applicant respectfully submits that establishing a control channel to
15 the called site requires connectivity to that called site. The Office refers to a
16 “direct channel” between the users at each site, but Applicant is unclear to
17 what the Office is referring. As shown in Guerin’s Fig 1, the two sites, 101
18 and 103, may achieve connectivity through either provider network 105 or
19 provider network 107. There appears to Applicant to be no “direct channel”
20 between users at the two sites, 101 and 103. Rather, establishing the control
21 channel necessitates using one of the two provider networks, both with
22 which the user apparently has an affiliation. Guerin elaborates on this in
23 column 3, lines 14-29, also reproduced above.

24 Applicant respectfully submits that Guerin’s system is *not*
25 *independent* of requiring the user to be affiliated with *any* ISP. Rather, in

1 order to establish a control channel, Guerin's system appears *dependent on*
2 *requiring* use of an ISP with which the user *is* affiliated. Then, in order to
3 perform the data exchange, Guerin's system appears to allow a choice from
4 among a *list of ISPs with which the user is affiliated*.

5 Therefore, Guerin teaches *directly away* from Applicant's claimed
6 subject matter by *requiring user affiliation* with an ISP. Accordingly, for
7 at least this reason, this claim is allowable.

8 9 Claims 43-49

10 As amended, **claim 43** recites a method of authenticating a user for
11 Internet access, the method comprising [amended language appears in bold
12 italics]:

- 13
14 • configuring multiple access points to receive wireless
15 communication from multiple wireless nodes through which
16 the Internet can be accessed, the multiple wireless nodes
17 being capable of communicating data packets that are
18 intended for transmission to the Internet;
- 19 • configuring a server to wirelessly receive the data packets that
20 are communicated to the multiple access points; and
- 21 • configuring a globally accessible database that includes
22 information that can be used to authenticate one or more users
23 that desire to access the Internet, authentication taking place
24 in a manner that does not require the one or more users to be
25 affiliated with *at least one* Internet Service Provider (ISP).

21 Applicant has amended this claim to clarify that authentication of a
22 user does *not* require the user to be affiliated with *at least one ISP*. In
23 making out the rejection of claim 43, the Office argues that Xu anticipates
24 this claim. Applicant respectfully but strongly disagrees. As the Office
25

1 concedes in its "Response to Arguments", it would be *impossible* to use
2 Xu's system unless the user is affiliated with *at least one ISP*. Accordingly,
3 for at least this reason, this claim is allowable.

4 **Claims 44-49** depend from claim 43 and, as such, are allowable as
5 depending from an allowable base claim. These claims are also allowable
6 for their own recited features which, in combination with those recited in
7 claim 43, are neither shown nor suggested by Xu, either singly or in
8 combination with any of the references of record. Moreover, with respect to
9 **claim 46**, the addition of the Guerin reference is not seen to add anything of
10 significance, given the allowability of claim 43.

11
12 **Conclusion**

13 All of the claims are in condition for allowance. Accordingly,
14 Applicant requests a Notice of Allowability be issued forthwith. If the
15 Office's next anticipated action is to be anything other than issuance of a
16 Notice of Allowability, Applicant respectfully requests a telephone call for
17 the purpose of scheduling an interview.

18
19 Respectfully submitted,

20
21 Dated: 6-10-04

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